

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Freedom From Religion Foundation, Inc.,)	
a Wisconsin non-profit corporation,)	
)	
Robert Moss and Melissa Moss; and)	
)	
Ellen Tillett, individually and as general guardian)	
of her minor child;)	
)	
Plaintiffs,)	
)	
v.)	Case No. 7:09-cv-1586-HMH
)	
Spartanburg County School District No. 7,)	
)	
Defendant.)	
)	

DEFENDANT'S RULE 26(a)(3) PRETRIAL DISCLOSURES

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, Defendant Spartanburg County School District No. 7 hereby submits the following pretrial disclosures about the evidence it may present at trial other than solely for impeachment:

1. The name and, if not previously provided, the address and telephone number of each witness – separately identifying those the party expects to present and those it may call if the need arises.

a. Witnesses the party expects to present:

**Rodney Graves
Spartanburg School District Seven
610 Dupre Drive
Spartanburg, South Carolina 29307
(864) 594-4400**

**Conrad Hurst
Spartanburg School District Seven
610 Dupre Drive
Spartanburg, South Carolina 29307
(864) 594-4400**

**Suzanne McDaniel
169 Mills Avenue
Spartanburg, South Carolina 293002
(864) 583-1096**

**Robert M. Tillotson
166 Sloans Grove Road
Spartanburg, South Carolina 29307**

**Dr. Thomas White
Spartanburg School District Seven
610 Dupre Drive
Spartanburg, South Carolina 29307
(864) 594-4400**

**John E. Wolfe
Spartanburg School District Seven
610 Dupre Drive
Spartanburg, South Carolina 29307
(864) 594-4400**

- b. Witnesses the party may call if the need arises:

**Jeff Stevens
Spartanburg School District Seven
610 Dupre Drive
Spartanburg, South Carolina 29307
(864) 594-4400**

**Steven G. Smith
2641 Old Furnace Road
Boiling Springs, South Carolina 29316**

**Andrew Charles Martin
South Carolina Bible Education in School Time
PO Box 3351
Spartanburg, South Carolina 29304
(864) 573-8583**

**Nancy Seay
Oakbrook Preparatory School
190 Lincoln School Road
Spartanburg, South Carolina 29301
(864) 587-2060**

**Walter L. Tobin
40 Woodpine Court
Columbia, South Carolina
(803) 732-3680**

**Troy Dean Bridges
2170 Washington Road
Spartanburg, South Carolina 29302**

**Grayson Hartgrove
1866 Neptune Drive
Columbia, South Carolina 29209**

**Robert Moss
Spartanburg, South Carolina**

**Melissa Moss
Spartanburg, South Carolina**

**Ellen Tillett
Spartanburg, South Carolina**

**George Daly
Charlotte, North Carolina**

2. The designation of those witnesses whose testimony the party expects to present by deposition.

None.

3. An identification of each document or other exhibit, including summaries of other evidence – separately identifying those items the party expects to offer and those it may offer if the need arises.

a. Items the party expects to offer.

Spartanburg County School District No. 7 Released Time for Religious Instruction Policy JHCB (March 2007) (SPBG 00050) (D-Ex. B-13)

South Carolina Attorney General Opinion No. 07-011 (January 29, 2007) (Dep. Ex. 106)

South Carolina Transfer Regulations (Dep. Ex. 123)

Agreement between SCBEST and Oakbrook Preparatory School (SPGB 00688-00689) (Dep. Ex. 147)

Spartanburg County School District No. 7 Minutes of Regular Meeting of the Board of Trustees, January 9, 2007 (SPBG 00095-00101) (Dep. Ex. 151)

Spartanburg County School District No. 7 Minutes of Regular Meeting of the Board of Trustees, February 6, 2007 (SPBG 00102-00108) (Dep. Ex. 152)

Spartanburg County School District No. 7 Minutes of Regular Meeting of the Board of Trustees, March 6, 2007 (SPBG 00109-00114) (Dep. Ex. 153)

South Carolina Uniform Grading Policy (Dep. Ex. 165)

Spartanburg High School Transcript of Plaintiff Tillett's Minor Child (redacted) (Dep. Ex. 196)

Spartanburg High School Transcript of Plaintiff Melissa Moss (redacted) (Dep. Ex. 197)

Spartanburg High School Overview (D-Ex. B-28)

Defendant's Response to Plaintiffs' Third Set of Rule 34 Document Requests to Defendant (October 5, 2010)

Excerpts from South Carolina School Boards Association 2006 Policy and Legislative Update (South Carolina Released Time Credit Act), including South Carolina School Boards Association Model Policy JHCB (D-Ex. B-11)

b. Items the party may offer if the need arises.

Georgia House Resolution 02 LC 30 0180, adopted February 8, 2002 (D-Ex. A)

South Carolina Department of Education Division of Standards and Learning Credit Recover, a Guidance Document for Service Delivery (D-Ex. B-9)

Troy Bridges letter to Chip Hurst (October 18, 2006) (SPBG 00081) (Dep. Ex. 180)

Stanley Case letter to Chip Hurst (November 17, 2006) (SPBG 00079-00080) (Dep. Ex. 182)

Drew Martin letter to Chip Hurst (November 22, 2006) (SPBG 00166-00167) (Dep. Ex. 59)

Drew Martin draft email (Dec. 29, 2006) (SCBEST 00222-00224) (Dep. Ex. 108)

Drew Martin letter to Chip Hurst (June 28, 2007) (SPBG 00407) (Dep. Ex. 183)

Drew Martin letter to Rodney Graves (Feb. 29, 2008) (SPBG 00043) (Dep. Ex. 70)

Emails between George Daly and Drew Martin (DSC MOSS DOC PROD 0173-0185) (Dep. Ex. 118)

Emails between George Daly and Rodney Graves (DSC MOSS DOC PROD 0108-0109; SPBG 00353-00354)

George Daly's notes from conversations with Rodney Graves and others (DSC MOSS DOC PROD 0188-0190) (Dep. Ex. 195)

Spartanburg High School Handbook, 2007-08 (SPBG 00444-00508) (Dep. Ex. 168)

Spartanburg High School Handbook, 2008-09 (SPBG 00509-00573)

Spartanburg High School Handbook, 2009-10 (SPBG 00574-00652)

SCBEST Letter to Parents and Students (undated) (DSC MOSS PROD 0012) (Dep. Ex. 157)

SCBEST Letter to Parents (undated) (SCBEST 00203) (Dep. Ex. 83)

Spartanburg County School District No. 7 Draft Letter (March 9, 2007) (SPBG 00073) (Dep. Ex. 158)

Spartanburg County School District No. 7 Draft Letter (March 9, 2007) (SPBG 00340) (Dep. Ex. 159)

Spartanburg County School District No. 7 Draft Letter to Robert Moss and Heidi Moss (SPBG 00074) (Dep. Ex. 187)

FFRF Press Release, “Watchdog, Parents File Suit Against South Carolina Release-Time Credits,” (June 17, 2009) (DSC MOSS PROD 0007-0008)

FFRF News Release, “Court: FFRF Can Sue Over S.C. School Religious Education (December 30, 2009) (DSC MOSS PROD 0160-0161)

FFRF editorial to the Spartanburg Herald Journal, “Cut the Credit for Release Time,” (July 31, 2009) (DSC MOSS PROD 0163-0166)

Spartanburg Herald Journal Article, “Religion Elective Facing Scrutiny,” (March 16, 2007) (SPBG 00124-00125) (Dep. Ex. 177)

Associated Press Article, “Students to get academic credit for Bible study,” (June 19, 2006) (SPBG 00122-00123) (Dep. Ex. 176)

Education Week Article, “S.C. to Allow Credit for Off-Campus Study Week” (Sept. 20, 2006) (D-Ex. N-4)

Robert Moss letter submitted to the Spartanburg Herald Journal (August 2009) (DSC MOSS PROD 0074) (Dep. Ex. 190)

Text of Robert Moss and/or Heidi Moss comments to the Spartanburg County School District No. 7 Board of Trustees (March 6, 2006) (DSC MOSS PROD 0013-0014; SPBG 00075-00076) (Dep. Ex. 188, 189)

Robert and Heidi Moss letter to the ACLU (DSC MOSS DOC PROD 196)

Robert Moss letter submitted to Spartanburg Herald Journal (August 2009) (Dep. Ex. 190)

Robert Moss letter to Ms. Kimsey (DSC MOSS DOC PROD 212)

Robert and Heidi Moss letter to Mr. Moore (March 8, 2007) (DSC MOSS DOC PROD 194) (D-Ex. B-19)

Emails between Thomas White and Rodney Graves (Dep. Ex. 122A, 123A)

Rodney Graves notes (Dep. Ex. 124A, 161, 162)

SCBEST Poster (SPBG 00130) (Dep. Ex. 178)

Beth Meadows (Dorman High School) letter to Drew Martin (Nov. 13, 2008) (SPBG 00369) (Dep. Ex. 172)

Plaintiffs’ Response to Defendant’s First Set of Interrogatories and First Set of Request for the Production of Documents (May 5, 2010)

Plaintiffs' Amended and Supplemental Response to Defendant's First Set of Interrogatories and First Set of Requests for the Production of Documents (June 2010)

Plaintiffs' Response to Defendant's Second Set of Interrogatories (October 4, 2010)

Plaintiffs' Supplemental Response to Defendant's Second Set of Interrogatories (October 29, 2010)

Plaintiffs' Second Supplemental Response to Defendant's Second Set of Interrogatories (November 8, 2010)

Plaintiffs' Response to Defendant's First Set of Requests for Admissions (October 4, 2010)

Plaintiffs' Amended Response to Defendant's First Set of Requests for Admissions (October 23, 2010)

Plaintiffs' Second Amended Response to Defendant's First Set of Requests for Admissions (October 29, 2010)

Plaintiffs' Supplemental Response to Defendant's First Set of Requests for the Production of Documents (October 29, 2010)

Plaintiffs' Response to Defendant's Second Set of Requests for the Production of Documents (September 14, 2010)

Plaintiffs' Response to Defendant's Third Set of Requests for the Production of Documents (October 4, 2010)

Plaintiffs' Supplemental Response to Defendant's Third Set of Requests for the Production of Documents (October 29, 2010)

Plaintiffs' Second Supplemental Response to Defendant's Third Set of Requests for the Production of Documents (November 8, 2010)

Respectfully submitted,

/s/Kenneth E. Darr, Jr.

Kenneth E. Darr, Jr. (Fed. I.D. #989)

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February 4, 2011
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